

Notice of Allowability

Application No.

10/069,263

Examiner

Tamra L. Dicus

Applicant(s)

BLOM ET AL.

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2-11-05.
2. ☒ The allowed claim(s) is/are 1,3-12,14-16 and 18-22.
3. ☒ The drawings filed on 06 May 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 02-17-04, 12-12-03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20050218
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Murtaugh on March 2, 2005.

The application has been amended as follows:

AMENDMENTS TO THE SPECIFICATION

Please amend the specification as follows.

On page 1, between the Title and line 1, insert the following heading:

FIELD OF THE INVENTION

On page 1, between line 4 and line 5, insert the following heading:

BACKGROUND OF THE INVENTION

On page 2, after line 33, insert the following heading and paragraph:

BRIEF DESCRIPTION OF THE DRAWING

Fig. 1 shows a substrate surface (1) and a label positioned for application.

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This Office Action is responsive to Applicant's amendment received Feb. 11, 2005. The Examiner acknowledges the IDS of 12/12/03 and 2/17/04. Copies are included.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The applied prior art of record teaches equivalence of titanium dioxide (TiO₂) and aluminum powder. The Declaration of Bloom shows evidence that aluminum powder is not equivalent to TiO₂ because when 0.03 g/m² of both TiO₂ and aluminum powder were present in the second masking layer, the aluminum powder amount completely masked the underlying layer where the TiO₂ did not. Lu teaches TiO₂, aluminum powder, and calcium carbonate (CaCO₃) are equivalent masking agents, the submitted article entitled "Pigments" also shows that TiO₂ and CaCO₃ have the same refractive index of 1.5 and have the same masking ability. The applied prior art does not teach claim 1 and 6 to a transfer material or shaped object having aluminum powder being present in a concentration of not less than 0.1 weight percent and not more than 5 weight percent, calculated on the basis of the pigmented layer, wherein said aluminum powder is present in a weight percent which is sufficient to provide enough additional opacity to effectively mask printing on an underlying substrate. Thus, the submitted evidence by Applicant shows unexpected, superior results. The invention is allowed on this basis.

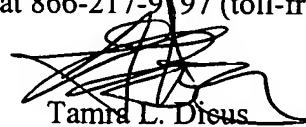
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

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Allowance."Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

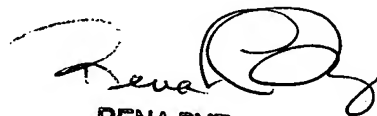
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tamra L. Dicus
Examiner
Art Unit 1774

2/18/05



RENA DYE
SUPERVISORY PATENT EXAMINER
A.U. 1774 2/22/05